

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF OKLAHOMA

ROGER H. GONZALES, )  
Plaintiff, )  
v. ) Case No. CIV-22-628-G  
ROSALYN COLLINS et al., )  
Defendants. )

## ORDER

Plaintiff Roger H. Gonzales filed this federal civil rights action pursuant to 42 U.S.C. § 1983 on July 26, 2022. *See* Compl. (Doc. No. 1). In accordance with 28 U.S.C. § 636(b)(1), the matter was referred to Magistrate Judge Shon T. Erwin for preliminary review.

On September 27, 2022, Judge Erwin issued a Report and Recommendation (Doc. No. 10), in which he recommended the habeas petition be dismissed on screening for failure to state a claim for relief under § 1983. In the Report and Recommendation, Judge Erwin advised Petitioner of his right to object to the Report and Recommendation by October 14, 2022. Judge Erwin also advised that a failure to timely object would constitute a waiver of the right to appellate review of the factual findings and legal conclusions contained in the Report and Recommendation.

The Report and Recommendation was mailed to Plaintiff at the address he provided to the Court. As of this date, Plaintiff has not submitted an objection to the Report and Recommendation or sought leave for additional time to do so.

## CONCLUSION

Accordingly, the Report and Recommendation (Doc. No. 10) is ADOPTED. The Complaint (Doc. No. 1) is DISMISSED without prejudice. A separate judgment shall be entered.

IT IS SO ORDERED this 3rd day of January, 2023.

  
CHARLES B. GOODWIN  
United States District Judge